

Panaji, 4th December, 1975 (Agrahayana 13, 1897)

SERIES I No. 36



# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Confidential and Vigilance Department

#### Notification

5-3-74-CVD

In exercise of the powers conferred on him in the Schedule (Part III, Sr. No. XV(iii) to the C.C.S. (C.C.A.) Rules, 1965 as approved by the Notifica-

tion No. 7/3/65-Ests(A), dated 21-8-1971, from the Government of India, Cabinet Secretariat, Department of Personnel, New Delhi, the Administrator of Goa, Daman and Diu, hereby makes the amendment as indicated below and substitute the following entry in the place of the existing entry against Serial No. 35 of the schedule appended to the Notification No. GAD-EST-9364(2), dated 30-3-1966, published in Government Gazette No. 2, Series I, dated 14th April, 1966, regarding appointing, disciplinary and appellate authority under the said Rules for Class III and Class IV posts in the Administration of the Union Territory of Goa, Daman and Diu.

Sr. No.	Description of service	Appointing authority	Authority competent to impose penalties which it may impose (with reference to numbers in Rule 11)		Appellate authority
			Authority	Penalties	
1	2	3	4	5	6
35.	Offices of the Commissioner of Excise, Sales Tax and Entertainment Tax	Commissioner of Excise, Sales Tax and Entertainment Tax	Commissioner of Excise, Sales Tax and Entertainment Tax	All	Finance Secretary

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointments).

Panaji, 26th November, 1975.

### Rural Development Department

#### Notification

CDB/VPT/486/69-75

In exercise of the powers conferred by section 65 read with section 83 of the Goa, Daman and Diu Village Panchayats Regulation, 1962 (9 of 1962) and all other powers enabling him in this behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Village Panchayats (Regulation of Buildings) Rules, 1971, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Village Panchayats (Regulation of Buildings) (Third Amendment) Rules, 1975.

(2) They shall come into force at once.

2. *Amendment of rule 3.*—In rule 3 of the Goa, Daman and Diu Village Panchayats (Regulation of Buildings) Rules, 1971, in sub-rule (2), for the ex-

isting clause (b), the following shall be substituted, namely:—

“(b) After enquiry as may be necessary, the Panchayat may grant permission for the construction of kacha house in Panchayat areas without the approval of Technical officer subject to the following conditions,—

i) the construction should be kacha i. e. of mud and no stones should be used in the construction except for laying foundation, erecting pillars and fixing windows and doors. No pucca masonry wall should be built towards construction;

ii) the cost of construction should not exceed Rs. 10,000/-;

iii) the area covered under the construction should not exceed 60% of the total area of the plot;

iv) a distance of at least 2 metres should be kept between the construction and the field boundaries on all sides;

v) adequate distance should be kept between adjacent buildings. The exact distance to be kept

may be specified by the Village Panchayat depending upon local conditions;

vi) village Panchayat shall verify the ownership of the plot before granting the permission;

vii) no permission shall be granted for kacha construction within a radius of 100 metres from the beach of tourists importance, 50 metres from the P.W.D. road:

Provided that in the towns area which are not falling within the Municipal limit, shall follow the general provisions of Rules, 1971;

viii) village Panchayat shall ensure that the existing traditional paths are not obstructed before granting permission and shall maintain proper set back for future development of roads;

ix) the village Panchayat may permit extension of the existing building provided the proper set backs are maintained;

x) no occupancy certificate from the technical office shall be required for kacha construction;

xi) the application for the building permission shall be accompanied along with a sketch map of the proposed construction in duplicate duly signed by the applicant;

(c) In respect of construction to be carried out in village specified in Appendix A of the Rules, 1971, one copy of the sketch map should be forwarded to the Town and Country Planning Department for information by the Village Panchayat;

(d) The permission shall be issued in a standard form duly signed by the Sarpanch or in his absence by the Deputy Sarpanch. Before grant of permission a formal approval of Block Development Officer shall be taken by the concerned Panchayat".

By order and in the name of Lieutenant Governor of Goa, Daman and Diu.

*Abel do Rosario*, Under Secretary (Planning).

Panaji, 25th November, 1975.

#### Office of the village panchayat

#### FORM

Permission No. ...

(See rule 3)

Shri/Smt./Kum. ... from ... ward ... is hereby granted permission for the construction of ... in term of the resolution No. ... taken in the Panchayat meeting dated ..., as per the plans in triplicate/duplicate attached to his/her application under inward No. ... Plans ... dated .... One copy of the plans concerned, with the approval not carrying the embossed seal of this Panchayat and duly signed is returned to the interested party, who shall comply with the following conditions:

1. To limit himself/herself to the Plan approved and statements therein.
2. The construction shall be as per plan approved by the village Panchayat and condition imposed on it.
3. To inform the Panchayat when the construction has been completed upto Plinth level.
4. To inform the Panchayat as soon as the construction is completed.
5. Not to inhabit the building without the prior permission of the Panchayat.
6. To abide by the other relevant provisions of law for the time being in force.
7. That the building or construction is carried out as per the alignment given and the Plinth level fixed by the Panchayat.

8. The construction permission shall be revoked.

- a) if the construction work is not executed as per the plans approved and statements therein;
- b) wherever there is any false statement of any misrepresentation of any material passed, approved or shown in the application on which the permit was based.

9. ...

10. ...

11. ...

12. ...

...

The permission shall be valid for a period of six months from ... to .... He has paid the respective tax/fees to the tune of Rs. ... by Receipt No. ... dated ....

The permission shall be valid for a period of six months from ... to .... He has paid the respective tax/fees to the tune of Rs. ... by Receipt No. ... dated ....

This carries the embossed seal of this Panchayat Office of the Village Panchayat of ... 19 ...

...  
Sarpanch.

#### Notification

2-18/74/FCS-CS

In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1965 (10 of 1965), read with the Notification of the Government of India, Ministry of Agriculture (Department of Food), New Delhi No. G.S.R. 316(E), dated 20th June, 1972 and with the prior approval of Central Government the Administrator of Goa, Daman and Diu hereby makes the following order so as to amend the Goa, Daman and Diu Paddy Procurement Order, 1974 (hereinafter called the "Principal Order"), namely:—

In the Principal Order —

1. In clause 6, in sub-clause (a), the oblique and word "/rice" shall be deleted.

2. In clause 7, after the words "to stock holder" the words "or the owner of rice mills" shall be inserted.

3. In clause 10 —

(i) in sub-clause (e), in first paragraph, for the words "A stock holder" the words "A Cultivator" shall be substituted and in the second paragraph, for the word "Cultivator" the word "stock-holder" shall be substituted.

(ii) in sub-clause (f), for the word "Cultivator" the word "stock-holder" shall be substituted.

4. For the Schedule A, the following shall be substituted, namely:—

#### SCHEDULE A

(See Clause 4)

Form of statement for declaration of stocks of rice/paddy  
No. ...

Full name and address of the person making the statement ...

2. His occupation or profession ...

3. The exact location of the godown or godowns or any place or places of storage where the stocks are kept ...
  4. (i) The quantity and quality of stock held on the ... day of ... 197 ...

	Quantity	Quality
(a) On his own account	...	...
(b) On account of any other person	...	...
(c) in partnership with any other person	...	...
(ii) Full names and addresses of the persons on account of whom stocks are held, and the quantity of stock held on account of each such person.		

Name	Address	Quantity of stock held on his account
------	---------	--

(iii) Full names and addresses of the persons in partnership with whom stocks are held and the quantity of stock held in partnership with each such person.

Name	Address	Quantity of stock held in partnership
------	---------	--

5. Purpose of holdings (Specify number of family members if the stock is held for own consumption ...)

I do solemnly declare that the above statement is complete and true to the best of my knowledge and belief.

#### Status

Status ...

Date ...

No. ...  
Received the statement in Schedule A from Shri ... from ...  
declaring ... quintals of paddy/rice as stock in his/her pos-

**Signature**

Date

By order and in the name of the Administrator  
of Goa, Daman and Diu

*N. Rajashekhar*, Under Secretary (Revenue).

Panaji, 26th November, 1975.

## Labour and Information Department

## Notification

1/227/75-LAB/1562

Whereas the draft notification fixing the minimum rates of wages payable to the employees employed in various classes of work in agricultural employment specified in Part II to the Schedule of the Minimum Wages Act, 1948 (Central Act XI of 1948), was published as required by clause (b) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 (Central Act XI of 1948) at pages 233-234 of the Official Gazette, Series I, No. 21, dated 21-8-1975, under the Notification No. 1/227/75-LAB/984, dated 14-8-1975 of the Labour and Information Department, Government of Goa, Daman and Diu, inviting objections and suggestions from any person likely to be affected thereby within 60 days from the date of publication of Notification in the Official Gazette,

And whereas the said Gazette was made available to the public on 21-8-1975;

And whereas the objections and suggestions received from the public on the said draft Notification have been duly considered;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3, read with sub-section (2) of section 5 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the Government of Goa, Daman and Diu is pleased to fix the minimum rates of wages payable to the employees employed in various classes of work in agricultural employment specified in Part II to the schedule of the Minimum Wages Act, 1948 as shown in the Schedule below:—

## SCHEDULE

Sr. No.	Class of work/category of employment	All inclusive minimum rates of wages
<b>I. Farm servants or attached workers</b>		
1.	Adult farm servant	Rs. 200/- p. m. or Rs. 2,400/- per annum.
2.	Adult Cleaner/Sweeper	Rs. 150/- p. m. or Rs. 1,800/- per annum.
<b>II. Agricultural Operations</b>		
3.	Ploughing	Rs. 5/- per day Rs. 30/- per week or Rs. 12/- per day with bullocks and Rs. 72/- per week.
4.	Threshing	Rs. 5/- per day or Rs. 30/- per week.
5.	Winnowing	Rs. 5/- per day or Rs. 30/- per week.
6.	Sowing	
7.	Transplanting	
8.	Harvesting	
9.	Uprooting	
10.	Manuring	
11.	Irrigating	
12.	Weeding	
<b>III. Allied Operations Skilled Labour</b>		
13.	Carpenter	Rs. 10/- per day or Rs. 60/- per week.
14.	Blacksmith	Rs. 11/- per day or Rs. 66/- per week.
15.	Cobbler	Rs. 9/- per day or Rs. 54/- per week.
<b>Unskilled Operations</b>		
16.	Mazdoor/Manai	Rs. 4/- per day or Rs. 24/- per week.
<b>IV. Dairy Farming and raising of livestock</b>		
17.	Shed Attendant	Rs. 4/- per day or Rs. 24/- per week.
18.	Milkman	Rs. 5/- per day or Rs. 30/- per week.
19.	Cleaner/Sweeper/Mazdoor	Rs. 4/- per day or Rs. 24/- per week.
20.	Grazier/Livestock Attendant	Rs. 4/- per day or Rs. 24/- per week.
<b>V. Poultry and Bee Farming</b>		
21.	Attendant	Rs. 4/- per day or Rs. 24/- per week.
<b>VI. Horticulture</b>		
22.	Gardener	Rs. 5/- per day or Rs. 30/- per week.
23.	Horticultural Assistant	Rs. 6/- per day or Rs. 36/- per week.

Sr. No.	Class of work/category of employment	All inclusive minimum rates of wages
<b>VII. Forestry and Timbering Operations</b>		
24.	Tree feller	Rs. 6/- per day or Rs. 36/- per week.
25.	Mazdoor	Rs. 4/- per day or Rs. 24/- per week.
<b>VII. General</b>		
26.	Digging	Rs. 4/- per day or Rs. 24/- per week.
27.	Stacking	Rs. 4/- per day or Rs. 24/- per week.
28.	Pump Operator	Rs. 5/- per day or Rs. 30/- per week.
29.	Coconut/arecanut plucker	Rs. 10/- per day or Rs. 60/- per week.

**Explanation:—**

- 1) Where in any area/scheduled employment wages fixed under this Notification are lower than the wages already prevailing or the employee, employees are actually in receipt of higher rates of wages than those specified above, they shall continue to get the benefit of such higher rates of wages.
- 2) The minimum rates of wages are applicable to the employees engaged by the Principal Employers or Contractors or Sub-Contractors.
- 3) Both men and women workers have to be paid the same rates of wages fixed for the category and for equal work.
- 4) In case of employees employed on piece-rate basis, the Minimum rates of wages payable shall be at the rate not less than the minimum rates fixed under this Notification.
- 5) The rate for Children and adolescents, who are not certified to work as adults, shall be 75 per cent of the rates of wages for adults. Where adolescents are certified to work as adults, they shall be paid the same rates of wages as adults.
- 6) Minimum rates of wages fixed is all inclusive including for weekly day of rest.
- 7) The existing practice of giving meals, food grains, shall continue in addition to the payment of cash wages as specified in the Notification.

By order and in the name of the Administrator of Goa, Daman and Diu.

*P. Noronha,* Under Secretary (Industries and Labour).

Panaji, 24th November, 1975.

**Notification**

1/746/75-LAB(ESI)/1575

Whereas certain draft rules which the Government of Goa, Daman and Diu proposes to make in exercise of powers conferred by clause (d) to (h) of sub-section (1) of section 96 of the Employees' State Insurance Act, 1948 (34 of 1948), were published as required by sub-section (1) of section 96 of the said Act, at pages 47 to 53 of the Official Gazette,

Series I, No. 3 dated 19th April, 1975 under the Notification of Labour and Information Department, Government of Goa, Daman and Diu No. CLE/ESI/74, dated 10th April, 1975, inviting objections and suggestions from any person likely to be affected thereby within 15 days from the date of publication of Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 19th April, 1975;

And whereas no objections and suggestions are received from the public on the said draft;

Now, therefore in exercise of the powers conferred by clauses (d) to (h) of sub-section (1) of section 96 of the Employees' State Insurance Act, 1948 (34 of 1948), and after consultation with the Corporation, the Government of Goa, Daman and Diu is pleased to make the following rules, namely:—"

**PART I****General**

**1. Short title, extent and commencement.** — (1) These rules may be called the Goa, Daman and Diu Employees' State Insurance (Medical Benefit) Rules, 1975.

(2) They extend to the whole of the Union territory of Goa, Daman and Diu.

(3) They shall come into force in such area or areas on such date or dates as the Government may, by notification in the Official Gazette, specify in this behalf.

**2. Application.** — Save as otherwise provided in rule 5, the provision of these rules shall, apply to the insured persons and family members of insured persons.

**3. Definitions.** — In these rules, unless the context otherwise requires.

(1) "Act" means the Employees' State Insurance Act, 1948;

(2) "Administrative Medical Officer" means one or more officers appointed as such by the Government to control the Administration of medical benefit in such areas as the Government may specify in the behalf;

(3) "Allocation Committee" means a Committee formed under paragraph 3 of the Term of Service for Insurance Medical Practitioner;

(4) "capitation fee" means remuneration payable to an insurance medical practitioner for medical services rendered by him to an insured person according to the scale of medical benefit prescribed by the Corporation;

(5) "Commissioner" means the Commissioner, Labour and Employment, Government of Goa, Daman and Diu.

(6) "drugs" includes all medicines for internal or external use of human being and all substances intended to be used for or in the treatment, mitigation or prevention of disease in human beings;

(7) "Government" means the Government of Goa, Daman and Diu;

(8) "identity card" means a card issued by the appropriate Regional Office of the Corporation to an

insured person for identification for the purpose of the Act, the rules and regulations thereunder;

(9) "Insurance Medical Practitioner" means any medical practitioner appointed as such to provide medical benefit under the Act and to perform such other functions as may be assigned to him and shall be deemed to be a duly appointed medical practitioner for the purposes of Chapter V of the Act;

(10) "Local Medical Organisation" means an Organisation of Medical Practitioners as recognised by the Government;

(11) "medical practitioner" means a person holding a qualification granted by an authority specified or notified under section 3 of the Indian Medical Degrees Act, 1916 or specified in the Schedule to the Indian Medical Council Act, 1956;

(12) "medical referee" means a medical officer appointed as such by the Corporation;

(13) "quarter" means any one of the periods from the 1st day of January to the 31st day of March, the 1st day of April to the 30th day of June, the 1st day of July to the 30th day of September and the 1st day of October to the 31st day of December;

(14) "regulations" means the Employees' State Insurance (General) Regulations, 1950;

(15) "State Insurance Medical Formulary" means a list of prescriptions and injections laid down by the Corporation from time to time;

(16) All other words and expressions used herein but not defined, shall have the same meaning as is assigned to them in the Act, the rules made under section 95 or the regulations under section 97 of the Act, as the case may be.

## PART II

### Provisions relating to Medical Benefit

**4. Scale of Medical Benefit for insured persons.**—The medical benefit provided under these rules shall be according to the following scale:—

(1) General Medical Services which shall include treatment at the clinic of an Insurance Medical Practitioner or other institutions and shall consist of:—

- (i) all treatment other than treatment involving the application of special skill or experience;
- (ii) such preventive treatment as vaccination and inoculations;
- (iii) ante-natal and post-natal treatment of insured women;
- (iv) the free provision of all drugs and dressings that may be considered necessary;
- (v) provision of certificates, free of cost, in respect of sickness, maternity, employment injury and death, required under the Regulations or as may be required by the Corporation;
- (vi) domiciliary visits, where necessary.

(2) Maternity medical services for insured women in such manner as the Government may specify from time to time.

(3) In-patient treatment in a hospital which is established or specified for the purpose by the Government, if accommodation is available therein, and in the case of serious emergency or otherwise it is considered necessary by the Insurance Medical Practitioner.

titioner. The treatment provided for the patient shall include free maintenance and such specialist and general treatment, as may be available including treatment as confinement where necessary, as may be available at the general wards of the hospital to which the insured person is admitted as well as those special investigations which are considered desirable and for which facilities exist at the hospital or at an associated laboratory.

(4) Facilities for the removal, free of charge, of insured persons to hospital, where necessary by ambulance or otherwise.

**5. Scale of medical benefit for insured person's family.**—The Government shall arrange to provide General Medical Services to the family of an insured person at the dispensary or clinic of an Insurance Medical Practitioner or other institutions similar to that of insured persons as specified in rule 4.

**6. Reimbursement of cost, in some cases, of treatment taken at a place where scheme is not in force.**—If an insured person, while on duty in any area in which the Employees' State Insurance Scheme is not in force, sustains an employment injury and takes treatment at the clinic of a private medical practitioner or a hospital in such area, the cost of such treatment or any portion thereof may be reimbursed by the Administrative Medical Officer, provided that he was not away from his headquarters for more than three months and that his claim is certified as reasonable by the Commissioner or a local Government medical officer.

**7. Provision of general medical services to insured persons by Insurance Medical Practitioners.**—(1) The Government shall arrange to provide general medical services to insured persons at clinics of Insurance Medical Practitioners who have undertaken to provide general medical services under these rules and in accordance with their terms of service.

(2) An Insurance Medical Practitioner shall be deemed to be appointed as an Insurance Medical Officer for the purposes of the Regulations.

**8. The Medical List.**—(1) The Administrative Medical Officer shall prepare a list of the practitioners whose applications have been approved by the Allocation Committee to be called the Medical List of Insurance Medical Practitioners who have undertaken to provide general medical services under these rules and in accordance with the terms of service.

(2) The Medical List shall contain in addition to the names of Insurance Medical Practitioners:—

(a) the private address and the address of any clinic, dispensary or other place, at which the practitioner undertakes to attend for the purpose of treating insured persons;

(b) particulars of the days and hours at which he undertakes to be in attendance at each place; and

(c) the part of the town or the ward in which he is prepared to visit patients.

(3) Copies of the Medical List shall be available for inspection by any insured person at the office of the Administrative Medical Officer.

- (4) Copies of the Medical List shall be supplied to—  
 (a) The Medical Commissioner of the Corporation;  
 (b) The Regional Office of the Corporation;  
 (c) The Medical Referee concerned; and  
 (d) On demand to any employer, trade union or medical association.

**9. Application for inclusion in the Medical List.**—Application by a medical practitioner for inclusion in the Medical List shall be made by sending the application to the Administrative Medical Officer in the form specified by the Government for the purpose.

**10. Choice of Insurance Medical Practitioner.**—(1) Application by an insured person for acceptance by an Insurance Medical Practitioner for inclusion of his name and the names of members of his family in the practitioners' list shall be made by delivering to the practitioner a signed medical acceptance card in such form as the Corporation or the Government may specify.

(2) The Insurance Medical Practitioner may accept or refuse to include such insured person or members of his family in his list. In case of acceptance the Insurance Medical Practitioner shall sign the card delivered to him under sub-rule (1) as a token of acceptance and forward it to the Administrative Medical Officer.

**11. Change of Insurance Medical Practitioner.**—(1) An insured person may change his Insurance Medical Practitioner at any time if he changes his residence to a distant locality or otherwise, not more than once a year:

Provided that the Administrative Medical Officer may if he is satisfied that any special circumstances exist, permit a change at any other time on the application of an insured person.

(2) The application for such change shall be made by the insured person in such manner as the Government may specify and the Administrative Medical Officer shall intimate the change agreed to or permitted by him to the Insurance Medical Practitioners concerned and to the insured persons.

(3) On the death of or on the removal or withdrawal from the list of an Insurance Medical Practitioner, the Administrative Medical Officer shall give to the persons on the list of such practitioner, notice of their right to apply to another Insurance Medical Practitioner for acceptance.

**12. Assignment of insured person to Insurance Medical Practitioners.**—An insured person who has not been accepted by an Insurance Medical Practitioner in accordance with rule 10 shall be assigned to any other Insurance Medical Practitioner by the Allocation Committee, or in emergent circumstances by Administrative Medical Officer.

**13. Temporary arrangements.**—Temporary arrangements on death or withdrawal from the list of Insurance Medical Practitioner shall be as follows:—

(1) For the purpose of securing the treatment of insured persons on the list of an Insurance Medical

Practitioner whose name has ceased to be included in the medical list pending their selection or transfer to the list of another Insurance Medical Practitioner, the Administrative Medical Officer may appoint one or more Insurance Medical Practitioners to undertake the treatment of such persons.

(2) An appointment of any practitioner under this rule shall be for such period as the Administrative Medical Officer may think fit, but not exceeding, except in special circumstances, two months. Pending any such appointment, the name of any person who has not been transferred to another Insurance Medical Practitioner shall be deemed to remain on the list of the Insurance Medical Practitioners whose name has ceased to be included in the medical list. Any such arrangements shall be reported to the Allocation Committee at its next meeting.

**14. Practitioner's List.**—(1) The Administrative Medical Officer shall prepare and maintain an up-to-date list of insured persons for whose treatment such Insurance Medical Practitioner is for the time being responsible and shall from time to time furnish the Insurance Medical Practitioner with information in such form as the Government may determine with regard to persons included in or removed from the practitioner's list.

(2) Any deletion, otherwise than by reason of death shall take effect as from the date on which the notice of deletion is sent by the Administrative Medical Officer to the Insurance Medical Practitioners or from such other date, not being earlier than that date as may be specified in the notice.

(3) Any deletion by reason of death shall take effect as from the date on which the person died.

(4) Inclusion or removal of an insured person in or from the list of an Insurance Medical Practitioner shall be subject to such conditions as may be laid down by the Government after consultation with the Corporation.

**15. Provision of alternative arrangements.**—(1) In respect of any area for which it considers this necessary, the Government may provide general medical services to insured persons either—

(a) by setting up Insurance dispensaries for the treatment of insured persons, staffed by full-time or part-time Insurance Medical Officers;

(b) by making suitable arrangements for a mobile dispensary to visit a central spot near the places of residence of insured persons;

(c) by making suitable arrangements for general medical services at any hospital, dispensary, clinic or other institution maintained by the Government, a local authority, a private institution or a private individual on such terms as may be agreed to by the Corporation; or

(d) by making such other arrangements as may be deemed adequate.

(2) Conditions of service of the full-time Insurance Medical Officers and other staff shall be the same as for other medical servicemen in the Union territory of Goa, Daman and Diu.

**16. Procedure for obtaining general medical service.**—An insured person who wishes to claim general medical services shall attend with his iden-

tity card at the clinic of the Insurance Medical Practitioner on whose list his name is included or at the dispensary or other institution to which he is allotted:

Provided that in case of an emergency, an insured person may claim medical benefit under these rules from any other Insurance Medical Practitioner or at any dispensary or institution providing treatment under these rules:

Provided further that where an insured person is unable to attend a clinic or the institution, the Insurance Medical Practitioner shall on intimation being received, visit him at his residence if he is satisfied by interrogation or otherwise that the insured person cannot reasonably be expected to come to the clinic or the institution:

Provided also that if the insured person or his agent fails to produce his or the insured person's identity card, as the case may be, as proof of the person claiming the benefit being an insured person, the medical benefit may, subject to the terms of service be refused to him.

**17. Provision of hospital services.** — The Government may also establish separate hospitals or other medical Institutions for the examination and treatment of insured persons or may arrange to reserve on such scales and terms as may be agreed upon between the Corporation and the Government from time to time, separate beds for the exclusive use of insured persons in the hospitals or other medical institutions under its control or under the control of a local authority, private institution or individual.

**18. Supply of drugs and dressings.** — (1) The Government shall make the necessary arrangements to enable insured persons receiving general medical service, to obtain from the Insurance Medical Practitioners or from any other person or institution with whom arrangements have been made with such proper and sufficient drugs, medicines and dressings free of charge, as may be required for their treatment.

(2) Insurance Medical Practitioners and Insurance Medical Officers shall prescribe such drugs as are required for insured persons, but as far as possible in accordance with the State Insurance Medical formulary.

**19. Cost of medicine container.** — A deposit shall be payable by the insured person at the rate fixed by the Government for the supply of medicine container to him. The sum deposited shall be paid back to him when the container is returned.

**20. Medical Services provided by Employers.** — Where an employer is providing medical services not lower in standard than those provided to insured persons by the Government, arrangements may be made for the continuance of such services for providing medical benefit to insured persons under such terms and conditions as may be agreed upon between the Government, the Corporation and the Employer.

### PART III

#### Medical Service Committee

**21. Medical Service Committee.** — (1) A Medical Service Committee shall be set up for such area or

areas as may be considered appropriate by the Government and shall consist of the following members:

(a) A chairman nominated by the Government;

(b) One or two employees' representatives as may be considered by the Government to be nominated by it in consultation with such organisation of employees as may be recognised for the purpose by the Government;

(c) An equal number of representatives of Insurance Medical Practitioners to be nominated by the Government on the recommendation of the Local Medical Committee, if any, or in consultation with such organisation of Insurance Medical Practitioners as may be recognised for the purpose, by the Government;

(d) A Medical Referee of the Corporation nominated by it;

(e) A nominee of the Commissioner.

(2) If the Committee as constituted under sub-rule (1) does not contain a woman, the Government may nominate a woman as an additional member.

(3) There shall be appointed in the same manner as the members of the Medical Service Committee a corresponding number of persons to act as deputies for the members, and in the absence of members of the committee, such persons shall be entitled to act accordingly.

(4) The Government shall appoint one of its whole time officers to act as Secretary to the Medical Service Committee. He shall not be entitled to vote.

(5) (i) The term of office of the members of the Medical Service Committee referred to in sub-rule (1) (b) and sub-rule (1) (c) shall be three years commencing from the date on which their nomination is notified:

Provided that the members of the Committee shall, notwithstanding the expiry of the said period, continue to hold office until the nomination of their successor is notified.

(ii) The members of the Medical Service Committee referred to in sub-rule (1) (a), sub-rule (1) (d), and sub-rule (1) (e) shall hold office during the pleasure of the Government, the Corporation or the Commissioner, as the case may be.

(iii) A member of the Medical Service Committee may resign his office by notice in writing to the Government and the seat shall fall vacant on acceptance of the resignation.

(iv) A member of the Medical Service Committee shall cease to be a member of the Committee if he fails to attend three consecutive meetings thereof:

Provided that his membership may be restored by the Government on its being satisfied as to the unavoidable nature of the circumstances which led to his non-attendance.

(6) Non-official members of the Medical Service Committee shall receive such fees or allowances as the Government may specify.

**22. (1) A separate Ayurvedic Medical Service Committee shall be set up for such area or areas as**

may be considered appropriate by the Government, and shall consist of the following members:—

(a) A Chairman nominated by the Government;

(b) One or two employees' representatives as may be considered by the Government to be nominated by it in consultation with such organisation of employees as might be recognised for the purpose by the Government;

(c) An equal number of representatives of Ayurvedic Insurance Medical Practitioners to be nominated by the Government on the recommendation of the Local Medical (Ayurvedic) Committee, if any, or in consultation with such organisations of Insurance Ayurvedic Practitioners as may be recognised for the purpose by the Government;

(d) A Medical Referee of the Corporation nominated by it;

(e) A nominee of the Commissioner.

(2) Provisions of sub-rules (2) to (6) of rule 21 shall apply mutatis mutandis to this Committee.

**23. Investigations by Medical Service Committee.**—  
(1) (a) Any question arising between an Insurance Medical Practitioner and a person who is or has been or who claims to be or to have been entitled to obtain treatment from that practitioner or between the representative of any such person, if deceased, and the Insurance Medical Practitioner in respect of the treatment rendered by the Insurance Medical Practitioner or any alleged failure to render treatment or other breach by the Insurance Medical Practitioner of his duties under the terms of service or in respect of the conduct of the person while receiving treatment shall be investigated by the Medical Service Committee.

(b) The person desiring to raise any question under this rule shall either himself or through his representative, within six weeks, after the event which gave rise to the question, give written notice to the Secretary of the Committee stating the substance of the matter which it is desired to have investigated: provided that notwithstanding the failure to give notice within the said period the Committee may investigate the matter if they are satisfied that such failure was occasioned by illness or other reasonable cause and the Insurance Medical Practitioner consents to the investigation taking place.

(c) For the purpose of this rule, the representative shall include a member of the family of the person on whose behalf any question is raised under clause (a) or (b) or any person who satisfies the Medical Service Committee that he is acting on behalf of the person (on whose behalf the question is raised) but shall not include a person who is a legal practitioner.

(2) The Administrative Medical Officer may, if the Local Medical Committee so desires, shall refer for investigation by the Medical Service Committee any matter relating to the administration of medical benefit or the discharge by any Insurance Medical Practitioner of his duties under the terms of service whether such matter has been raised by or on behalf of an insured person under sub-rule (1) or not, and the Medical Service Committee shall investigate it accordingly:

Provided that no question which involves an allegation against an Insurance Medical Practitioner of a breach of the terms of service shall, without the approval of the Government be referred for investigation under this rule except within a period of three months after occurrence of the event on which such allegation is based.

**24. Procedure of Committee.**—(1) The Medical Service Committee may, if they think fit, permit any person concerned in an investigation to be assisted in the presentation of his case by some other person (not being a legal practitioner).

(2) The proceedings at the hearing before the Medical Service Committee shall be private and no person shall be admitted to those proceedings except—

(a) the persons concerned in the investigation and the person if any, permitted to appear for the purpose of assisting them;

(b) a person or persons to represent the insured person, who shall be either an official of his Trade Union or the employer or his representative;

(c) an officer of the Corporation;

(d) the Secretary or other officer of the Local Medical Committee; or at his opinion, a representative of the Local Medical Organisation to which he belongs;

(e) persons whose attendance is required for the purpose of giving evidence and who shall, unless the Committee otherwise direct, be excluded from the hearing except when they are actually giving evidence; and

(f) such officers as the Commissioner may appoint for the purpose.

(3) The Commissioner shall make rules of procedure which shall provide for the quorum of the Medical Service Committee and, subject to the provision of this rule, for notice of the hearing to be given to the persons concerned in the investigation, including the Secretary of the Local Medical Committee, if any, and the appropriate officers of the Corporation and the Trade Union or employer and for the procedure before and the hearing with regard to the nature of the evidence to be admitted, and otherwise, and such rules may empower the committee to dispense with a hearing if they are satisfied that the complain is frivolous or vexatious or that the written statement or statements of the complainant do not disclose any *prima facie* ground of complaint and may delegate to the Chairman of the Committee such powers in this respect as the Commissioner thinks fit.

(4) The Medical Service Committee shall draw up a report stating such relevant facts as appear to them to be established by the evidence placed before them, and the inferences of the fact which in their opinion may properly be drawn from the facts together with a recommendation as to the action, if any, which should be taken and shall present the report to the Commissioner and the Commissioner shall accept as conclusive, any finding of fact contained in the report. In presenting such report to the Commissioner the Committee may, if they think fit, draw the attention of the Commissioner to any previous report made by the Committee in connection with the Insurance Medical Practitioner and to any action

taken by the Commissioner on such report and may recommend that account should be taken thereof in determining what action, if any, should be taken.

**25. Action on report of Medical Service Committee.**—(1) After investigation by the Medical Service Committee into any question relating to the conduct of an insured person, the Commissioner may refer the case to the Regional Office of the Corporation for action under Regulation 99 of the Regulations.

(2) After an investigation by the Medical Service Committee into any question relating to the conduct of an Insurance Medical Practitioner, the Commissioner may take action in any one or more of the following ways:—

(a) If the Commissioner is satisfied, that owing to the number of persons included in his list, the Insurance Medical Practitioner is unable to give adequate treatment to all those persons, he may impose a special limit on the number of persons for whom the Insurance Medical Practitioner may undertake to provide treatment and in that event any number in excess of that limit shall be dealt with as though the list of that Insurance Medical Practitioner was by that number in excess of the general limit fixed for Insurance Medical Practitioners in that area;

(b) The Commissioner may recover from the insurance Medical Practitioner by deduction from his remuneration or otherwise any expenses (other than expenses incurred in connection with an investigation by the Medical Service Committee) which have been reasonably and necessarily incurred by the Commissioner or by any insured person or any person acting on his behalf or on behalf of the family of a deceased insured person owing to the Insurance Medical Practitioner's failure or negligence in complying with the terms of service and any expenses so recovered shall, in the case of expenses incurred by the insured person or by any person acting on his behalf or on behalf of the family of a deceased insured person, be repaid to the insured person or other person by whom the expenses have been incurred;

(c) If the Commissioner is satisfied, on consideration of any report by the Medical Service Committee, that an Insurance Medical Practitioner has failed to comply with the terms of service applicable to him, he may withhold such amounts as he deems fit from the money payable as remuneration to the Insurance Medical Practitioner; or

(d) If the Commissioner is satisfied, on consideration of any report of the Medical Service Committee that the continuance on the medical list of the Insurance Medical Practitioner will be prejudicial to the efficiency of the service, he may remove the Insurance Medical Practitioner's name from the medical list:

Provided that before deciding to withhold any such amount or to remove the name of the Insurance Medical Practitioner from the list, the Commissioner shall afford to the Insurance Medical Practitioner concerned a reasonable opportunity of making representation to him on the matter.

**Explanation.**—In the rule "negligence" includes failure to exercise reasonable skill and care in the treatment of a patient, failure to visit or treat a patient when necessary, failure to supply any necessary medicine or dressing for the use of a patient or failure to discharge the obligation imposed on the Insurance Medical Practitioner to advise the patient as to the steps to be taken to obtain necessary treatment if the condition of the patient is such as to require treatment which is not within the scope of the Insurance Medical Practitioner's obligations under the terms of service.

**26. Appeal.**—If any party is aggrieved by any decision of the Commissioner, under the rules in this Part, he may appeal to the Government within one month from the date of the receipt of the decision. The decision of the Government shall be final.

**27. Investigation in cases of disputed prescriptions, record keeping and certification.**—(1) Where it appears to the Administrative Medical Officer after due investigation that there is a *prima facie* case for considering that:

(a) an Insurance Medical Practitioner is not dispensing to the insured persons on his list such amounts of simple drugs and dressings as might ordinarily be expected to be reasonably necessary for the adequate treatment of those persons, or;

by reason of the character or quantity of the drugs or dressings ordered by the Insurance Medical Practitioner, the charge imposed upon the funds available for the provision of medical benefit is in excess of what was reasonably necessary for the adequate treatment of those persons, or

(b) an Insurance Medical Practitioner has failed to carry out his obligations under the terms of service so far as the obligations involved the recording of clinical data regarding his patients,

the Administrative Medical Officer may refer the matter to the Medical Service Committee.

(2) Where it appears to the Corporation after due investigation that there is a *prima facie* case for considering that an Insurance Medical Practitioner has failed to exercise reasonable care in the issue of medical certificate to insured persons on his list, or to persons for whose treatment he is responsible under these rules, the Corporation may refer the matter to the Medical Service Committee.

(3) Any reference to the Medical Service Committee under the preceding sub-rule shall be accompanied by a statement indicating the matters on which it appears to the Administrative Medical Officer or the Corporation, as the case may be, that an explanation is required.

(4) (a) The Medical Service Committee shall furnish the Insurance Medical Practitioner concerned with a copy of the said statement and shall afford him with reasonable opportunity of submitting to them a statement in writing and of appearing before and being heard by them.

(b) A copy of any such statement by the Insurance Medical Practitioner shall be forwarded to the Administrative Medical Officer or the Corporation

for their observations and the Administrative Medical Officer or a representative or representatives of the Corporation, as the case may be, shall be entitled in the case of a hearing to attend and be heard by the Medical Service Committee.

(5) (a) After duly considering the case the Medical Service Committee shall draw up a report of their findings on the question whether there has been a failure on the part of the Insurance Medical Practitioner to exercise due care or discretion in any of his proper functions referred to in the sub-rules (1) and (2) and, if so, what is the extent and gravity of the failure together with a recommendation as to the action, if any, which should be taken.

(b) The Medical Service Committee shall forward the report to the Commissioner and the Corporation and shall furnish the Insurance Medical Practitioner with a copy of the report.

(6) After the consideration of the findings and recommendations of the Medical Service Committee, the Commissioner shall, after consultation with the Corporation where the findings relate to investigation of certification, take action in accordance with sub-rule (2) of rule 25.

#### PART IV

##### Miscellaneous

**28. Delegation of powers.** — The Government may delegate any of the powers or duties conferred or imposed upon it by these rules to such of its officers as it may, specify in this behalf.

**29. Local Medical Committee.** — The Insurance Medical Practitioners in any area may form a Local Medical Committee under these rules, and if they do so and give notice to the Commissioner of the formation of such a committee, he may recognise it for consultation in all matters relating to these rules if he is satisfied that the committee is representative of the Insurance Medical Practitioners of the area.

**30. Conduct of insured persons receiving medical benefit.** — An insured person in receipt of medical benefit shall comply with the following conditions, namely:—

(a) he shall, when applying to a practitioner for medical benefit, produce his identity card, if required to do so;

(b) he shall obey the instructions of the practitioner attending him;

(c) he shall not make unreasonable demands upon the professional services of the practitioner attending him;

(d) he shall not summon the practitioner to visit him between the hours 8 p.m. and 9 a.m., except in cases of emergency;

(e) he shall whenever his condition permits, attend at surgery, dispensary or other place of treatment of the practitioner on such days and at such hours as may be appointed by the practitioner;

(f) he shall, when his condition necessitates that the practitioner should visit him at his place of residence give notice to the practitioner, if the circumstances of the case permit, before 10 a.m. on the day on which the visit is required,

or before such other hours as the Administrative Medical Officer determines for the area;

(g) he shall not claim a form of treatment not provided for in the Act or to which he is not entitled.

**31. Power of the Government to suspend system.** — The Government be at a liberty to suspend, after consultation with the Corporation, the panel system of medical benefit as a whole or in part if it is found that the system does not work properly or efficiently and shall give 3 months' notice to each Insurance Medical Practitioner from the date from which the suspension is to take effect, and may make such other arrangements as it may deem fit.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

*P. Noronha, Under Secretary, Industries and Labour.*

Panaji, 10th April, 1975.

The Government of Goa, Daman and Diu is pleased to lay down the following Terms of Service for Insurance Medical Practitioners under proviso to subsection (1) of section 58 of the Employees' State Insurance Act, 1948 (34 of 1948):—

Terms of Service for Insurance Medical Practitioners.

**1. Incorporation of provisions of Rules, Regulations, etc.** — (a) Any provisions of the Goa, Daman and Diu Employees' State Insurance (Medical Benefit) Rules, 1974 (hereinafter called the Rules) affecting the rights and obligations of Insurance Medical Practitioners shall be deemed to form part of these terms of service.

(b) The Employees' State Insurance (General) Regulations, 1950, shall apply to Insurance Medical Practitioners as if they were Insurance Medical Officers appointed under these Regulations.

**2. Participation of Medical Practitioners.** — (1) Applications in prescribed form from the local medical practitioners shall be invited by advertisement for inclusion in the list (called the medical list) of Insurance Medical Practitioners who undertake to provide general medical service to insured persons under the Rules and in accordance with these terms of service.

(2) All such applications shall be made to the Administrative Medical Officer who shall refer them to the Allocation Committee.

(3) The applications for inclusion in the "Medical List" shall be granted by the Secretary, Industries & Labour on the recommendation of the Allocation Committee for the area.

**3. Allocation Committee.** — (1) An "Allocation Committee" shall be set up for each such area as may be considered appropriate by the Government and shall consist of—

(a) One representative of the Government as Chairman.

(b) One representative of the Corporation.

- (c) One representative of the local medical profession.
- (d) The Administrative Medical Officer, Employees' State Insurance Scheme Panaji — Member Secretary.
- (2) The committee shall meet whenever necessary for the purpose of considering and determining applications made —
- (a) before the appointed day by the Medical Practitioners for inclusion in the Medical list and
  - (b) on or after the appointed day for inclusion in any such list kept for any area.
- (3) The committee shall consider each application in regard to the prescribed terms of service and in regard to such requirements to be fulfilled by the applicant as may be laid down by the Government from time to time. The committee shall submit its recommendations to the Secretary, Industries & Labour.
- (4) (i) The term of office of the members of the Allocation Committee referred to in sub-paragraph (1) shall be 3 years commencing from the date on which their nomination is notified provided that the members of the Committee shall notwithstanding the expiry of the said period, continue to hold office until nomination of their successors is notified.
- (ii) The members of the Allocation Committee referred to in sub-paragraph (1) (a) and (b) shall hold office during the pleasure of the State Government and the Corporation, respectively.
- (iii) A member of the Allocation Committee may resign his office by giving notice in writing to the Government and the seat shall fall vacant on acceptance of the resignation.
- (iv) A member of the Allocation Committee shall cease to be a member of the Committee if he fails to attend three consecutive meetings thereof provided that his membership may be restored by the State Government on its being satisfied as to the unavoidable nature of the circumstances which led to non-attendance.
- (5) Non-official members of the Committee shall receive such fees or allowances as the Government may specify.
- (6) (a) A separate Allocation Committee shall be set up for each such area as may be considered appropriate by the Government for consideration of applications from the Ayurvedic practitioners.
- (b) The provisions of sub-paragraphs (1) to (6) of this paragraph shall apply mutatis mutandis to this Committee.
- (7) There shall be appointed in the same manner as the members of the Allocation Committee a corresponding number of persons to act as deputies for the members and in the absence of members of the Committee such persons shall be entitled to act.
- (8) The Allocation Committee shall discharge such duties and responsibilities as may be specified by the Government from time to time.
- 4. Admission to the Medical List.** — (a) To be eligible for inclusion in the Medical List a practitioner shall be a person registered under the Directorate of Health Services, Panaji, or the appropriate authority.
- (b) While considering and determining applications, the Allocation Committee shall have regard to whether the practitioners —
- (i) have their places of practice within a reasonable distance from or preferably within the areas where the insured persons reside;
  - (ii) have their places of residence near their places of practice;
  - (iii) have telephone if possible;
  - (iv) are physically fit;
  - (v) have separate waiting room accommodation for patients, consultation room and own dispensing arrangements.
- 5. Persons for whose treatment the Insurance Medical Practitioner is responsible.** — (1) The persons for whose treatment an Insurance Medical Practitioner is responsible are: —
- (a) all insured persons including the members of their families whom he has accepted or agreed to accept for inclusion in his list and who have not been notified to him by the Administrative Medical Officer as having ceased to be on his list;
  - (b) all insured persons including the members of their families who have been assigned to him and who have not been notified to him by the Administrative Medical Officer as having ceased to be on his list.
  - (c) any insured persons or members of their families who need treatment in case of accident or other emergency.
- (2) An Insurance Medical Practitioner who is appointed under rule 13 of the Rules to undertake the treatment of person on the list of an Insurance Medical Practitioner, whose name ceases to be included in the medical list shall, for the period of his appointment, be responsible for the treatment of any person on that list.
- (3) The acceptance of an insured person shall be signified by the signing of the Medical Acceptance Card by the Insurance Medical Practitioner and the sending of the card to the Administrative Medical Officer within such period as may be specified by the Administrative Medical Officer.
- (4) Notwithstanding anything contained in this paragraph, an Insurance Medical Practitioner shall not be responsible under the terms of service for the treatment of a person in hospital admitted thereto for treatment unless he is a member of the staff of that hospital.
- 6. Right of an Insurance Medical Practitioner to have a patient removed from his list.** — Subject to such conditions as may be imposed by the Administrative Medical Officer in this behalf an Insurance Medical Practitioner may have the name of any person removed from his list by giving notice at time to the Administrative Medical Officer stating the reason for such a request. The removal will become operative at the expiration of fourteen days from the receipt of such notice by the Administrative Medical Officer or upon the acceptance or assignment of an insured person to another Insurance Medical Practitioner whichever is earlier; provided that a notice given or expiring during a spell of sickness or tem-

porary disablement of an insured person shall take effect only fourteen days after the date when the insured person is fit to resume work.

**7. Evidence of an insured person's or his family members' title to obtain treatment.** — (1) An Insurance Medical Practitioner is entitled to require an insured person or a member of his family claiming to be on his list and applying for treatment, regarding whose identity he has reasonable doubts, to produce his Identity Card.

(2) Where such insured person or member of his family, fails to produce his identity card, the Insurance Medical Practitioner shall give him any treatment necessary at that time (including the supply of any drugs or dressings which the practitioner would be required to supply to any person on his list) and direct him to produce his identity card or to furnish any other evidence as respects his identity when he visits next. Where such insured person or member of his family fails to produce his identity card or to furnish any other evidence as respects his identity as directed by the Insurance Medical Practitioner on his subsequent visit, the Insurance Medical Practitioner shall treat him on payment of reasonable fees for treatment (including drugs and dressings supplied), give him a receipt for the fees received and report the particulars of the case to the Administrative Medical Officer. In the case of an insured person, evidence from his employer that he is an insured person may be accepted as an evidence as respects his identity.

**8. Range of Service.** — (1) An Insurance Medical Practitioner is required to render to his patients all proper and necessary treatment. Such treatment includes the performance of, or the administration of anaesthetics or, assistance at an operation performed by and of the kind usually performed by a general medical practitioner, if administration of the anaesthetic or the rendering of such other assistance does not involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess.

(2) An Insurance Medical Practitioner is required to arrange for the confinement of an insured woman and the wife of an insured person on his list either by himself or by another practitioner or by a registered midwife or trained dai, for which such separate fee, as the State Government may specify will be paid for the person who conducted the confinement.

(3) In the case of emergency including abnormal or difficulty maternity cases the Insurance Medical Practitioner is required to render whatever services may be necessary having regard to the circumstances in the best interest of the insured woman or as the case may be, the wife of an insured person.

(4) In determining whether a particular service is a service involving the application of special skill and experience, regard is to be had to the question whether services of the kind are or are not usually undertaken by general practitioners practising in the area in which the question arose.

(5) It shall be the duty of the Insurance Medical Practitioner to arrange for ante-natal and post-natal care to the expectant and nursing mothers, on his or her list.

(6) An Insurance Medical Practitioner shall provide to the insured persons and members of their families on his list vaccinations and inoculations and such other forms of preventive treatment and advice as may be necessary in the best interest of the such insured persons or, as the case may be, members of their families.

**9. Duties of Insurance Medical Practitioners.** — (1) If the condition of the patient is such to require treatment or examination which is not within the scope of the Insurance Medical Practitioner's obligations under these terms of service, the Insurance Medical Practitioner shall inform the patient of the fact and shall take all necessary steps to enable him to receive such treatment or to have such examination made at such hospital or institution as has been notified for the purpose by the Administrative Medical Officer.

(2) While referring a case to a hospital the Insurance Medical Practitioner shall, if the condition of the patient so requires, arrange for his transport, by an ambulance or otherwise and, any expenses which the Insurance Medical Practitioner has to incur on such transport shall be reimbursed to him by the Administrative Medical Officer.

(3) Subject to the approval of the Administrative Medical Officer, the Insurance Medical Practitioner shall fix the time at which his clinic shall remain open for treatment of insured persons and members of their families. Notice of the time fixed shall be given in such manner as the Administrative Medical Officer may, from time to time, direct and shall be indicated on a notice board displayed prominently at the Insurance Medical Practitioner's clinic.

(4) An Insurance Medical Practitioner is required to provide proper and sufficient clinic and waiting-room accommodation for his patients, having regard to the circumstances of his practice.

(5) An Insurance Medical Practitioner, on receipt of a written request, shall at all reasonable times admit any officer of the Corporation duly authorised in this behalf or any person authorised for the purpose by the Government to any clinic or waiting-room for the purposes of inspecting the said clinic or waiting-room.

(6) When an insured person or a member of his family is unable to attend a clinic or the institution, the Insurance Medical Practitioner shall, on intimation being received, visit him at his residence if he is satisfied by interrogation or otherwise that the insured person or, as the case may be, the member of his family, cannot reasonably be expected to come to the clinic or the institution.

(7) An Insurance Medical Practitioner is required to issue to his patients free of charge any certificate reasonably required in respect of sickness, maternity, employment injury and death under the Employees' State Insurance Regulations, or as may be required from time to time by the Corporation or the Government.

(8) (i) An Insurance Medical Practitioner is required to issue free of charge all drugs and dressings as may be required for the proper treatment of the patients as far as possible in accordance with the State Insurance Medical Formulary: Provided that such drugs and dressings as may be notified by the

Government shall be made available to the Insurance Medical Practitioner by the Government in such manner and subject to such conditions as it may from time to time specify.

(ii) The prescription shall be given to the patients with the medicines, if demanded.

(iii) In prescribing drug notified by the Government under sub-clause (i) the Insurance Medical Practitioner shall comply with such conditions as the Government may from time to time specify.

(9) An Insurance Medical Practitioner is required—

(a) to keep such records as the Government may, from time to time, specify after consultations with the Corporation;

(b) to maintain a medical record in respect of each insured person and each member of his family on his list on the form laid down and supplied by the Government or the Corporation for the purpose and in accordance with the instructions issued by the Government or the Corporation in this behalf from time to time;

(c) to furnish returns in such terms as may be laid down by the Corporation or the Government;

(d) upon knowledge of the death of an insured person or a member of his family to forward the medical record to the Administrative Medical Officer within seven days.

(10) An Insurance Medical Practitioner is required—

(a) to furnish in writing to the Medical Referee within such reasonable period as the latter may specify any clinical information which he may require with regard to any insured person or a member of his family to whom the Insurance Medical Practitioner has issued or declined to issue a medical certificate;

(b) to meet the Medical Referee, at his request for the purpose of examining in consultation any patient in respect of whom the Insurance Medical Practitioner has sought the advice of the Medical Referee;

(c) to afford to any person authorised by Government or by the Corporation the access at all reasonable times to the Insurance Medical Practitioner's clinic or other place where the records required by these terms of service are kept, for the purpose of the inspection of such records and to furnish to the Medical Referee such records or necessary information with regard to any entry therein, as he may request; and

(d) to answer any inquiries of any person authorised by the Government or by the Corporation with regard to any prescription or certificate issued by the Insurance Medical Practitioner or to any statement made in any report furnished by him under these terms of service.

**10. Arrangements for practice.**—An Insurance Medical Practitioner shall not carry on any Insurance Medical Practice elsewhere than at his place of residence, or at the clinic stated in his application, except upon conditions which appear to the Administrative Medical Officer or on appeal, to the Government, to be such as to enable his obligations under

these terms of service, and in particular his obligation to visit his patients, to be adequately carried out. Any conditions so imposed may include a requirement that the insured persons on the list of the Insurance Medical Practitioner are to be notified at the Insurance Medical Practitioner's expense of any special arrangements under which his practice is carried on.

**11. Acceptance of fees.**—An Insurance Medical Practitioner shall not demand or accept any fee or other remuneration in respect of any medical treatment, whether under these terms of service or not, rendered to insured persons or members of their families, except as provided in paragraph 7(2).

**12. Revision of terms of service.**—(1) The Government may, after consultation with the Corporation, alter the terms of service from such date as may be approved by the Corporation by giving notice of the proposed alteration to each Insurance Medical Practitioner.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament, the Government shall, before making an alteration, consult the organisation or organisations which in their opinion is or are representative of the Insurance Medical Practitioners, and the alteration shall not come into operation within a period of three months from the date of the issue of the notice.

**13. Suspension of System.**—(1) The Government shall be at liberty to suspend after consultation with the Corporation the Panel system of Medical benefit as a whole if it is found that the system does not work properly or efficiently and shall give three months' notice to each Insurance Medical Practitioner of the date from which the suspension is to take effect.

(2) The Government may have the name of any individual Insurance Medical Practitioner removed from the medical list after giving due notice of not less than three months to the Insurance Medical Practitioner, except in case of gross negligence and misconduct when the period of notice need be only one month.

**14. Withdrawal from medical list.**—An Insurance Medical Practitioner is entitled at any time to give notice to the Commissioner, the desire to cease to be an Insurance Medical Practitioner and his name shall be removed from the medical list at the expiration of three months from the date of such notice or of such shorter period as the Commissioner, may agree:

Provided that if representations are made to the Government that the continued inclusion of a practitioner as an Insurance Medical Practitioner would be prejudicial to the efficiency of the Employees' State Insurance Scheme, he shall not, except with the consent of the Government and subject to such condition as the Government may propose, be entitled to have his name removed from the list pending the termination of the proceedings on such representations.

**15. Leave of absence to Insurance Medical Practitioners.**—The Administrative Medical Officer may grant leave to an Insurance Medical Practitioner for a period not exceeding three months at a time and the Commissioner, for a period not exceeding six

months at a time. All cases of leave for a period exceeding six months shall be submitted by the Administrative Medical Officer to the Government for orders.

**16. Casual absence of an Insurance Medical Practitioner.** — An Insurance Medical Practitioner shall make all necessary arrangements for securing the treatment of his patients where he is unable for any cause, e. g., temporary absence from home or other reasonable cause to give treatment personally and shall inform the Administrative Medical Officer, Regional Office of the Corporation, Medical Referee and the Local Office of the Corporation, of any standing arrangements for that purpose and he shall not absent himself from his practice for more than one week without first informing the Administrative Medical Officer of his proposed absence and of the person or persons responsible for conducting his practice during such absence.

**17. Continued absence or disability of an Insurance Medical Practitioner.** — Where the Commissioner, is satisfied that owing to the continued absence or bodily or mental disability of an Insurance Medical Practitioner his obligation under the terms of service are not being adequately carried out, he may give notice to the persons on his list that the Insurance Medical Practitioner is for the time being, in his opinion, not in a position to carry out his obligations under the terms of service.

**18. Liability of Insurance Medical Practitioner.** — The Insurance Medical Practitioner shall be liable for any compensation for injury or damage suffered by an insured person or a member of his family as a result of negligence on the part of the Insurance Medical Practitioner.

**19. Disputes, etc.** — The terms of service relating to the following matters are contained in rules 20 and 24 of the Goa, Daman and Diu Employees' State Insurance (Medical Benefit) Rules, 1974.

(a) The investigation of questions arising between Insurance Medical Practitioners and their patients and other investigations to be made by the Medical Service Committee and the action which may be taken by the Commissioner, as the result of such including the withholding of remuneration from the Insurance Medical Practitioner where there has been a breach of the terms of service;

(b) The investigation in respect of prescribing;

(c) The investigation of certification;

(d) The investigation of record keeping;

**20. Issue of notices to Insurance Medical Practitioners.** — Any notice which the Government or the Administrative Medical Officer or the Commissioner, is required or authorised by these terms of service to give to an Insurance Medical Practitioner shall be sufficiently given if it has been delivered to him or sent by post to him at the address which he has last notified to the Commissioner, as being his place of residence. Notices in case of disciplinary action or damages shall be sent by Registered Post.

**21. Remuneration of Insurance Medical Practitioners.** — (1) The rate of payment for an Insurance

Medical Practitioner shall be fixed by the Government after consultation with the Corporation. Payment shall be made according to the number of insured persons and members of their families on his list at the beginning of the quarter to which it relates; provided that no Insurance Medical Practitioner shall have more than 750 family units each consisting of an insured person and members of his family.

(2) Notwithstanding anything in sub-paragraph (1), where an insurance Medical Practitioner resigns or dies at any time before the end of any quarter, proportionate payment shall be made for the days on which he provided medical service to the insured persons.

(3) The payment shall be made, within one month of the end of the quarter to which it relates.

(4) The capitation fee shall be deemed to include remuneration for —

(i) such medical treatment attendance, etc., as the Insurance Medical Practitioner is required to provide;

(ii) maintenance of such surgical and diagnostic instruments as may be laid down for the purpose;

(iii) such medicines as are included in the list of special medicines and which are used in emergency;

(iv) use of doctor's clinic, telephone, staff, etc.;

(v) payment in respect of conveyance for domiciliary visits; and

(vi) payment in respect of the supply of drugs and dressings [not including such drugs and dressings as may, under the provisions of paragraph 9(8) be made available by the Government] and maintenance of such supply of proper and sufficient medicines and dressings as may be specified.

**Form of application for use of candidates for inclusion in medical list as insurance medical practitioner under the employees' state insurance schemes (Government of Goa, Daman and Diu)**

1. Name in full (in block letters) ...
2. Date and place of birth ...
3. Next of kin ...
4. (a) Married or single ...  
(b) Sex ...
5. Basic Medical qualifications and other post-graduate qualifications ...

University or Examining Boards	Particulars of qualifications	Date of qualifications
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6. (a) Are you registered, if so, state registration number	...	Morning	Evening
(b) Whether member of any Medical Association, if so, give particulars	...	...	...
7. Full residential address	...	...	...
8. Full address of dispensary/clinic (including municipal Wards)	...	...	...
9. Distance between residence and dispensary/clinic	...	...	...
10. Date from which practising in the locality	...	...	...
11. Accommodation in dispensary/clinic	...	...	...

Serial Number	Area in Square of rooms	Used for
1.		
2.		
3.		
4.		
5.		
6.		

12. Have you			
(1) a separate consultation room?	...	...	...
(2) space where patients can wait under cover?	...	...	...
(3) your own dispensing arrangements?	...	...	...
13. Dispensary/clinic hours	Morning	Evening	
14. For how many hours do you attend at the dispensary/clinic yourself?	...	...	...
15. What ancillary staff do you employ in dispensary/clinic?	Designation	Full time	
	Compounder		
	Clerk		
	Attendant		
	Partner or		
	Assistant		
16. What hours would you like to fix for attendance of insured persons in your Dispensary?	...	...	

17. (a) Are you employed in any part-time work?	Morning	Evening
(b) If so, state hours spent daily in such appointments	...	...
18. Is a conveyance maintained? If so, state nature	...	...
19. Have you a telephone/telephones? If so, state number/s	...	Dispensary/Clinic/ Residence
20. Previous dismissal or disciplinary action, if any, by the Registration Council	...	...
21. If selected on the Medical List how many insured persons are you prepared to have on your list	...	...

I ... a candidate for inclusion in the 'Medical List' as an Insurance Medical Practitioner under the Employees' State Insurance Scheme (Government of Goa, Daman and Diu), declare that the particulars given above are true and correct to the best of my knowledge and belief.

I have read and understood the terms of service and agree to abide by them if included in the Medical List.

Designation ...

Signature

For Official use  
Recommendation of the Allocation Committee:

Chairman,

Allocation Committee, Panaji

Date ...

Approval of the Commissioner Labour and Employment:  
Commissioner Labour and Employment with the Government of Goa, Daman and Diu, Panaji.

Date ...

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries and Labour.

Panaji, 24th November, 1975.

#### Corrigendum

In "The Goa, Daman and Diu Agricultural Indebtedness (Temporary Relief) Ordinance, 1975" (No. 4 of 1975) published in the Extraordinary issue to Official Gazette No. 29, Series I dated 17-10-1975, under Revenue Department, at page 304, in the 8th line of sub-section (h) of Section 2 between the words «own labour or» and «the members» the following words should be inserted:

"by the labour of"